

June 17, 2021

Evelyn Eichenbaum  
Municipal Clerk  
Haldimand County  
53 Thorburn Street South  
Cayuga, ON N0A 1E0

Dear Ms. Eichenbaum:

**RE: Lafarge Canada Inc. Comments on Haldimand County's Official Plan Update Phase 1  
Hagersville Quarry  
OUR FILE 9526HX**

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On behalf of our client, Lafarge Canada Inc. ("Lafarge"), we are providing the following comments in advance of the June 22, 2021 public meeting and Council's consideration of Phase 1 of the Official Plan Update as it pertains to growth needs and land supply.

Lafarge initially provided comments to the County regarding the Official Plan Review on February 5, 2021 (see enclosed letter). Lafarge outlined its concerns with the County's proposal to redesignate lands adjacent to the Hagersville Quarry from Agriculture to Residential, and to include additional lands near the quarry within the urban boundary area of Hagersville.

Since these comments were submitted, further discussions and meetings have occurred with County staff. We thank the County for its willingness to meet with us and to discuss potential options to address Lafarge's concerns.

In response to the concerns raised by Lafarge, the County indicated that it has developed a draft special policy area to provide a level of protection and certainty in relation to the Hagersville Quarry. The intent of the policy area is to subject specific lands within 300 m of the "quarry blasting limit" to a holding provision which would prohibit residential development unless specific conditions are satisfied.

While we appreciate and acknowledge the premise involving the draft special policy area, we do not support the use of the "quarry blasting limit" as the defining boundary to determine what is acceptable or unacceptable regarding new sensitive uses next to a licensed active quarry.

As outlined in the June 3, 2021 comments from Lafarge with respect to the related development applications on these lands (Empire Garden Communities), it is inappropriate to rely on a development setback that was established in the late 1980s for a previous site-specific application under a substantially different policy regime.

Neither Lafarge nor the Provincial Ministries of Natural Resources and Forestry (MNRF), and Environment, Conservation and Parks (MECP) agreed that a 300 m setback from a “quarry blasting limit” was appropriate. The 2018 Acknowledgement signed by the County and Lafarge includes further details on this matter and the intended purpose of the Acknowledgement was that this specific issue would be addressed appropriately in any subsequent development applications by the developer.

Lafarge’s position was and continues to be that an acceptable development setback is required based on appropriate studies in consultation with applicable agencies including MNRF and MECP which reflects contemporary planning practices and policies that are currently in effect. This position is supported by the County’s Official Plan which states that appropriate land use separations should be applied to new sensitive uses near existing quarries, and that new residential uses within 500 m of existing quarries shall be assessed on a case by case basis. Further, appropriate development setbacks shall be established in consultation with applicable agencies and based on technical studies (County OP 3.A.2.5, p. 39).

We do not believe it is appropriate for either the County’s Official Plan or the proposed subdivision application consisting of more than 850 residential units to rely on a setback that was established incorrectly in the late 1980s.

Lafarge remains concerned about the County’s proposal to redesignate land adjacent to the quarry from Agriculture to Residential, and to expand the urban boundary near the quarry via a “land swap”. Specifically, it is our opinion that the County has not sufficiently demonstrated that such proposals will protect the long-term operational and economic viability of the quarry (PPS 1.2.6.1) and that the quarry will not be hindered as a result of these planning decisions (PPS 2.5.2.4). Further, we believe it is premature to consider these changes without first completing required technical studies to confirm whether residential use is feasible or appropriate near the quarry.

Any planning decisions to contemplate additional sensitive uses adjacent to the quarry should be based on appropriate compatibility studies in consultation with applicable review agencies, and should not be based on a development setback that was determined over 30 years ago in a substantially different land use planning context.

Thank you for the opportunity to provide further comments on the County’s Official Plan Review. Please notify us of any decisions made by County Council regarding the Official Plan Review.

Yours truly,

**MHBC**



Neal DeRuyter, BES, MCIP, RPP

cc. *Chris McGuckin, Land Director, Eastern Canada, Lafarge*  
*Luke McLeod, Land Manager, Southwest Ontario, Lafarge*  
*David Bazargan, Land Manager, Southwest Ontario, Lafarge*  
*Kim Mullin, Wood Bull LLP*

*Craig Manley, Haldimand County*  
*Mike Evers, Haldimand County*  
*Michelle Knieriem, Ministry of Municipal Affairs and Housing*  
*Al Murray, Ministry of Natural Resources and Forestry*  
*David Stubbs, Ministry of Municipal Affairs and Housing*  
*Meghan Gerrie, Ministry of Natural Resources and Forestry*

*Encl.*



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February 5<sup>th</sup>, 2021

Evelyn Eichenbaum  
Municipal Clerk  
Haldimand County

**DELIVERED VIA EMAIL TO:**

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**RE: HALDIMAND COUNTY OFFICIAL PLAN REVIEW**

Dear Ms. Eichenbaum,

The County is undertaking a review of their Official Plan (OP) as required by the Planning Act. These comments are being provided in advance of the statutory public meeting on February 9<sup>th</sup>, 2021 regarding proposed amendments to address growth strategy options. Our comments are specific to the proposed changes in Hagersville.

As part of this OP review, we understand that the County is proposing to re-designate approximately 38 ha generally south of the Lafarge Hagersville quarry from Agriculture to Residential including adding approximately 11 ha within the Hagersville urban area. This would appear to include some lands within the buffer area previously established under policy.

The lands proposed to be re-designated for Residential uses are located within the urban community of Hagersville (Part 2 on Schedule D of the proposed Official Plan Amendment) but also includes lands proposed to be added to the urban area (Part 3). The County has chosen and/or is proposing to include these lands as part of the residential land supply. The Lafarge quarry immediately abuts these land holdings. The quarry is licenced under the Aggregate Resources Act and has been operating for many decades. The quarry is a designated use in the County Official Plan and zoned to permit extraction and associated uses.

Under the Provincial Policy Statement (PPS), mineral aggregate operations such as Lafarge's Hagersville Quarry are protected from incompatible development so that their continued operation is not hindered. The policy also has the effect of protecting future inhabitants of developed land from potential adverse effects from licensed aggregate operations.

The PPS is implemented through the Haldimand County Official Plan which establishes the long term intent of land use within the municipality. The Official Plan recognizes the potential for incompatibility between new sensitive uses and existing quarry operations and intends to apply



appropriate separation distances as mitigation measures. Setbacks are to be determined on a case by case basis in consultation with appropriate agencies based on technical studies carried out in support of the development application.

We recognize and acknowledge the statements in the staff report regarding the quarry likely having the effect of limiting development in the areas closest to the quarry and the need for additional analysis to determine whether these areas should be removed from the urban area. With this in mind, we are not supportive of the proposed recommendation to redesignate these areas from Agriculture to Residential and/or include them in the urban area especially with the County stating that further analysis is still required.

We know that the County and developer are well aware of the quarry and the policies that are designed to prevent proximity of incompatible land uses, and Lafarge is not supportive of new residential land uses encroaching on its quarry operations. As such, any designation of new lands for Residential purposes and/or inclusion within the urban area would be subject to determination of appropriate setbacks and buffers based on current Provincial guidelines, standards and regulations to ensure that the continued operation of Lafarge's Hagersville Quarry is not hindered. Without prejudging the outcome we additionally note that this may not necessarily be the same buffer that was established for previous approvals.

It was noted in the staff report that formal planning applications have been submitted for the 27 ha of land near the quarry. We would ask to be notified directly of this application and for the opportunity to review the application materials.

Thank you for providing the opportunity for comment. Please note that these comments are preliminary based on the time available to review the detailed staff report. Lafarge reserves the right to provide additional comments based on further review. We are requesting that we be provided notice of future meetings and decisions that are held related to this matter.

Kind regards,

A handwritten signature in blue ink that reads 'Luke McLeod'.

Luke McLeod, P.Eng  
Land Manager, Southwest Ontario

Cc:

*Mike Evers, Director of Planning & Development*  
*Shannon VanDalen, Manager of Planning & Development*  
*David Stubbs, Ministry of Municipal Affairs and Housing*